

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-632

April 30, 2002

MAINE PUBLIC UTILITIES COMMISSION  
Designation of Confidential Information  
Pursuant to 35-A M.R.S.A. § 1311-B

ORDER

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

In this Order, we designate network diagram information contained in the Annual Reports provided by telecommunications carriers to the Commission as confidential pursuant to our authority under 35-A M.R.S.A. § 1311-B.

**II. DISCUSSION AND DECISION**

All public utilities in Maine are required to submit an Annual Report to the Public Utilities Commission by April 1 of each year, pursuant to 35-A M.R.S.A. § 504. In addition to a financial balance sheet, the Commission prescribes other information that each utility must submit as part of the Annual Report. For telecommunications carriers (both local exchange and interexchange carriers), the Commission requires each utility to submit Network Diagram Information to allow the Commission to have full knowledge and understanding about the status of the telecommunications network in Maine. The specific information that must be supplied is described on Page 10 of the Incumbent Local Exchange Carriers (ILEC) and Facilities-Based Competitive Local Exchange Carriers (CLEC) Annual Reports, and the same numbered page of the Interexchange Telephone Utilities Annual Report.

Under 35-A M.R.S.A. § 1311-B, if the Commission determines that public access to specific information about public utility technical operations could compromise the security of public utility systems to the detriment of the public, the Commission may designate the information as confidential. In light of recent national events, the Commission believes it appropriate to apply a higher level of protection to Network Diagram Information. Accordingly, we hereby designate the information filed on Page 10 of the Incumbent Local Exchange Carriers (ILEC) and Facilities-Based Competitive Local Exchange Carriers (CLEC) Annual Reports, and of the Interexchange Telephone Utilities Annual Report, and any documents based on or created from that information, as confidential pursuant to 35-A M.R.S.A. § 1311-B(1). As provided in that section, such information is not a public record subject to disclosure under 1 M.R.S.A. §§ 401 – 408.

Dated at Augusta, Maine, this 30th day of April, 2002.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond

COMMISSIONER ABSENT:              Nugent

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.